
Public Notice

Applicant:
Frank Gumina

Date:
Published: February 1, 2002
Expires: March 1, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 98-502-0015(3) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Frank Gumina, Good Samaritan Nursing Home, 193 Forest Hill, Avon Lake, Ohio, 44012, has requested a Department of the Army permit to fill wetlands and an unnamed drainageway to Porter Creek during construction of an assisted living cluster development. The project is located north of Detroit Road, in the City of Avon, Lorain County, Ohio. The applicant was previously authorized to place fill in approximately 2.95 acres of Federal jurisdictional wetlands, including portions of the unnamed drainageway, for the construction of the Good Samaritan Housing Development. As mitigation for those impacts, the applicant agreed to restore approximately 6.16 acres of wetlands on-site.

The current project consists of the following:

- a. Fill material will be placed in an additional 4.373 acres of Federal jurisdictional wetlands and approximately 1232 linear feet of an unnamed drainageway which flows to Porter Creek in order to construct cluster housing, apartments, access roads, parking lots; install utilities; and perform landscaping.
- b. As mitigation for the wetland impacts, the applicant proposes to purchase 8.8 acres of wetland credit within the Rocky River or Black River watersheds, providing a 2.0:1 mitigation ratio.
- c. As mitigation for the proposed stream impacts, the applicant proposes to place a conservation easement on the 1090 feet of Porter Creek that crosses the northern portion of the site. In addition, the applicant proposes to enhance approximately 760 linear feet of Elk Creek, located in the Rocky River watershed. The combined preservation and enhancement will result in a 1.5:1 mitigation ratio.
- d. Deed restrictions will be placed on all wetlands on-site, including the 6.16 acres of restored wetlands. A conservation easement will be placed on the on-site portion of Porter Creek; this easement will be held by a conservation group.

The applicant's stated purpose is to construct a continuing-care retirement community.

Location and details of the above described work are shown on the

attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: Elizabeth.W.Stone@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: Elizabeth.W.Stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

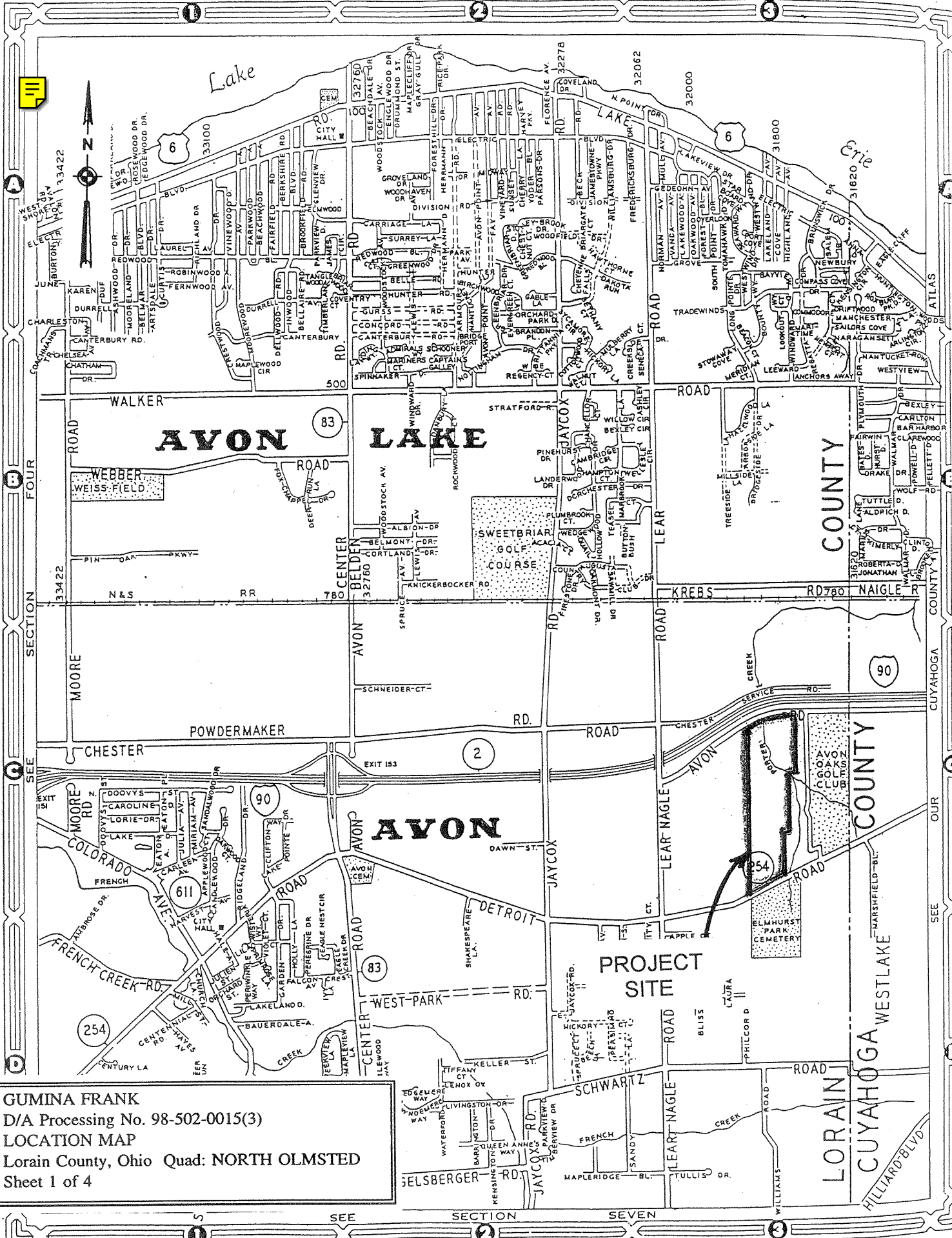
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

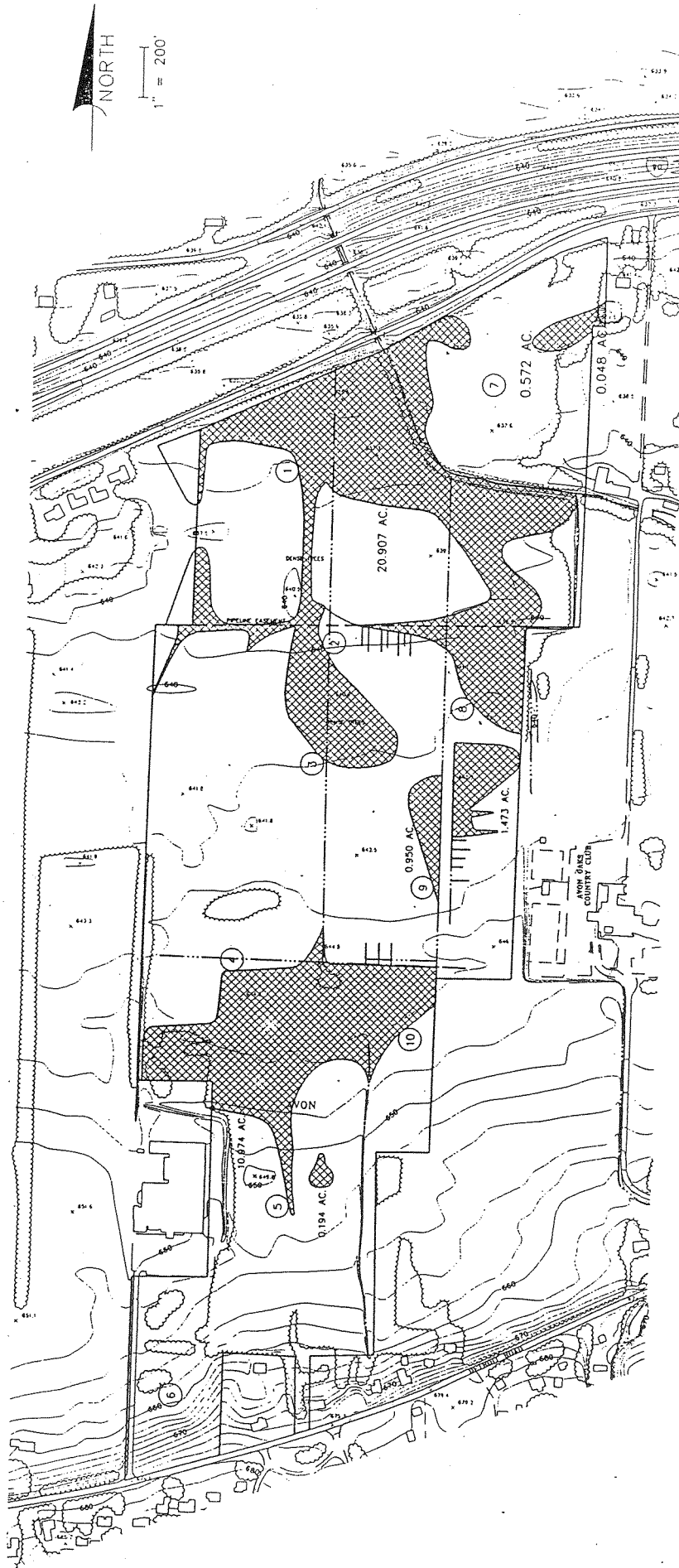
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

SECTION No. 5



GUMINA FRANK
D/A Processing No. 98-502-0015(3)
LOCATION MAP
Lorain County, Ohio Quad: NORTH OLMSTED
Sheet 1 of 4

GUMINA FRANK
 D/A Processing No. 98-502-0015(3)
 WETLAND DELINEATION MAP
 Lorain County, Ohio Quad: NORTH OLMSTED
 Sheet 2 of 4

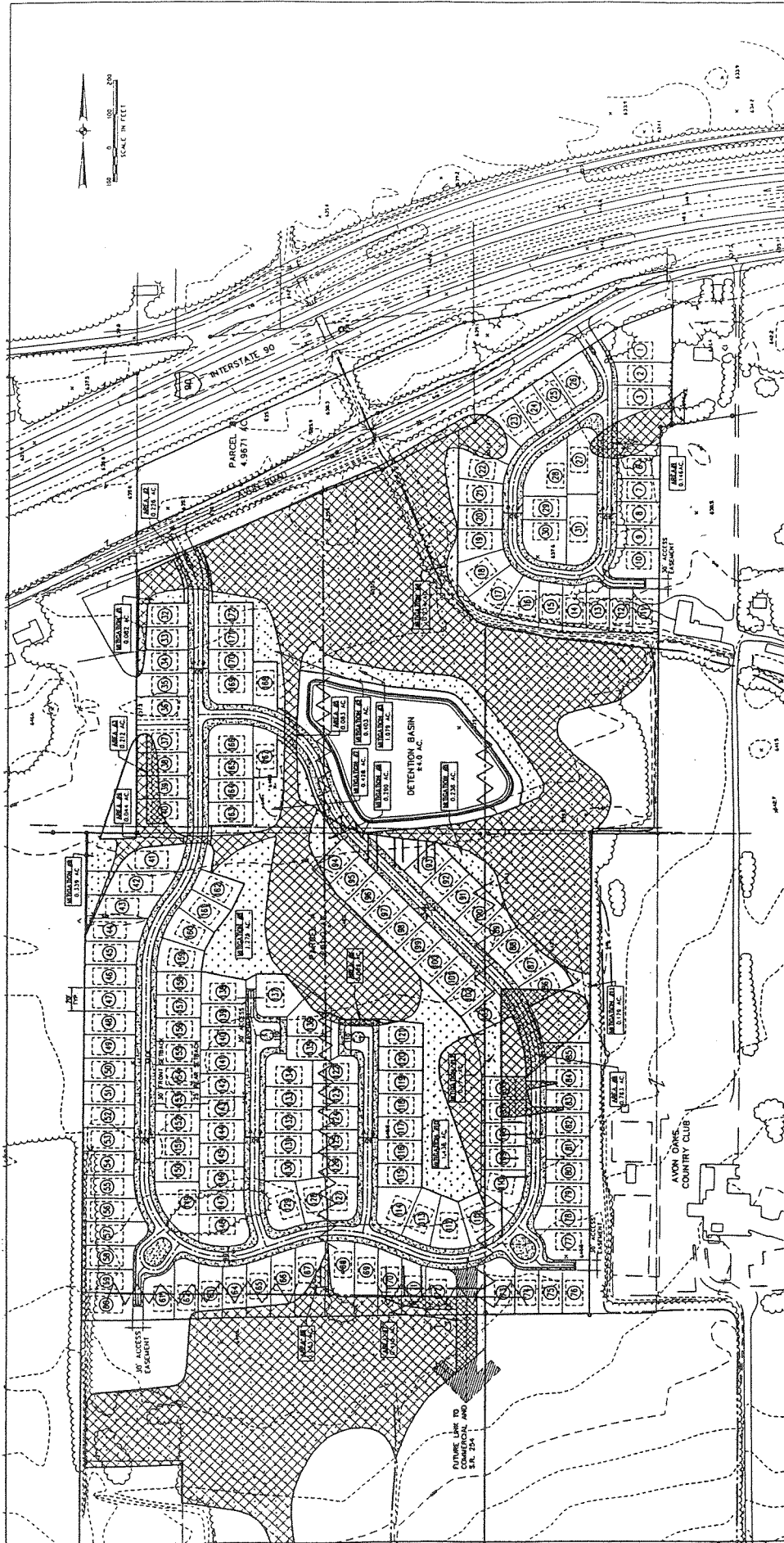


- ⑦ SAMPLE POINT
- WETLAND AREA = 35.070 ACRES
- LAKE/POND AREA = 0.048 ACRES
- STREAM/DITCH AREA = 1.223 ACRES
- FURROW AREA = 0.033 ACRES
- TOTAL JURISDICTIONAL AREA = 36.374 ACRES

WETLAND DELINEATION

FOR
 MR. FRANK GUMINA
 LOCATED IN THE VILLAGE OF AVON
 LORAIN COUNTY STATE OF OHIO

CLIENT	MR. FRANK GUMINA
PROJECT	GOOD SAMARITAN PROPERTY
TYPE	WETLAND DELINEATION
SCALE	1" = 200'
DATE	5-98
PROJECT NO.	3597AV
DRAWN BY	FLICKINGER WETLAND SERVICES GROUP, INC.
7000 SOUTH EDGERSON ROAD, SUITE 10A	



CLIENT FRANK GUMINA	
PROJECT GOOD SAMARITAN HOUSING DEVELOPMENT	
TITLE MITIGATION AND FILL MAP	
DATE 12-98	SCALE 1" = 100'
DRAWN BY FLICKINGER WETLAND SERVICES GROUP, INC.	
DATE 12-98	PROJECT NO. 9298-AV
DWC FILE GdS00m12.DWG	
SHEET NO. 1 OF 1	
7000 SOUTH EDGERTON ROAD, SUITE 106 CLEVELAND, OHIO 44141 (440) 526-1159	

KEY

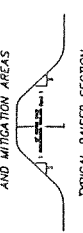
[Pattern]	EXISTING WETLANDS NOT IMPACTED
[Pattern]	EXISTING WETLANDS IMPACTED
[Pattern]	WETLANDS CREATED AS MITIGATION FOR IMPACTS
[Pattern]	PROPOSED OVERALL WETLAND AREA

WETLANDS IMPACTED		MITIGATION AREAS	
AREA #1	0.148 AC.	MITIGATION #1	0.082 AC.
AREA #2	0.225 AC.	MITIGATION #2	0.403 AC.
AREA #3	0.044 AC.	MITIGATION #3	0.314 AC.
AREA #4	0.083 AC.	MITIGATION #4	0.338 AC.
AREA #5	0.083 AC.	MITIGATION #5	0.429 AC.
AREA #6	0.415 AC.	MITIGATION #6	0.429 AC.
AREA #7	0.783 AC.	MITIGATION #7	1.279 AC.
AREA #8	0.387 AC.	MITIGATION #8	1.436 AC.
AREA #9	0.387 AC.	MITIGATION #9	0.179 AC.
AREA #10	0.333 AC.	MITIGATION #10	0.179 AC.
AREA #11	0.333 AC.	MITIGATION #11	0.179 AC.
AREA #12	0.333 AC.	MITIGATION #12	0.179 AC.
TOTAL	2.948 AC.	TOTAL	8.163 AC.

SITE DATA

SITE AREA (PARCELS A & B)	596.0 AC.
CURRENT ZONING	R-1
TOTAL UNITS	172
GROSS DENSITY	1.8 D.U./AC.
NET DENSITY	70.7 AC.
FRONT SETBACK	25'
REAR SETBACK	10'
SIDE SETBACK	10'
SETBACK SPACE (35%)	431.8 AC.
RIGHT-OF-WAY AREA (13%)	812.3 AC.
JURISDICTIONAL WETLAND AREA	38.374 AC.

ALL ROADS AND DEVELOPMENT
WILL BE ELEVATED ONE FOOT HIGHER
THAN THE SURROUNDING WETLAND
AND MITIGATION AREAS



(AT A 2:1 RATIO FOR ON-SITE
MITIGATION, WILL NEED
2 x 2.948 AC. = 5.896 AC.)


JURISDICTIONAL DITCH
= 0.523 ACRES


GUMINA FRANK
D/A Processing No. 98-502-0015(3)
PREVIOUSLY AUTHORIZED FILL AND ON-
SITE MITIGATION PLAN
Sheet 3 of 4

GUMINA FRANK
D/A Processing No. 98-502-0015(3)
PREFERRED ALTERNATIVE
Lorain County, Ohio Quad: NORTH OLMSTED
Sheet 4 of 4



75 UNITS ARE PROPOSED WITH THIS ALTERNATIVE

 PROPOSED WETLAND FILL = 4.373 ACRES

 STREAM/DITCH FILL = 1232.13 FEET
= 0.028 ACRES

[illegible]

